

REMARKS

In the Office Action dated November 30, 2006, in which the finality of the previous Office Action was withdrawn after Examiner review of Applicants' Appeal Brief, claims 1 – 12 are rejected under 35 U.S.C. § 103 as being unpatentable over Christiano in view of newly cited patent to Wyman.

However, for the reasons set forth below, it is respectfully submitted that the combination of Christiano and Wyman fails to suggest or render obvious the features of Applicants' invention as set forth in claims 1 – 12. Reconsideration is, therefore, respectfully requested.

Claims 1 – 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Christiano in view of Wyman. The Examiner notes several features of Christiano, but indicates that Christiano does not explicitly describe a system in which the licensed units can be distributed between a server and the user computer/network.

The Examiner states that "The USPTO is introducing the aspect of Application Service Provider (ASP), as a server hosting applications for end users." The Examiner cites Wyman for a method and system for managing the licensing of software executed on computer systems.

The Examiner also cites Wyman for teaching that licensed units may be granted and the product use authorization delegated to a different server for use by users or to a delegated server have some subset of the original product units. Units are deducted from an available pool when a user node makes a valid request.

However, in Wyman, any delegation of a portion of the licensed units to a delegated server removes the delegated units from the total pool of licensed units and assigns them specifically to the delegated server.

As noted by the Examiner, Wyman, in column 7, lines 10 – 13, teaches that some of the units granted in the product use authorization may be delegated to another server, where the user nodes serviced by this server make requests and receive grants. The user nodes attached to this separate server are serviced only by that server and have their own delegated license units which are a subset of the overall license units to the entire system.

The combination of Christiano and Wyman fails to teach or suggest the ability of a single user request execution of a piece of digital content from one of the customer computer network or an application service provider (ASP). In Wyman, the users serviced by a delegated server have their own license unit subset and are serviced by digital content only by that server.

In Applicants' invention, all of the users have access to both the computer customer network and the application service provider, thereby enabling each user to select whether a particular piece of digital content is to be executed on the customer computer network or on the application service provider.

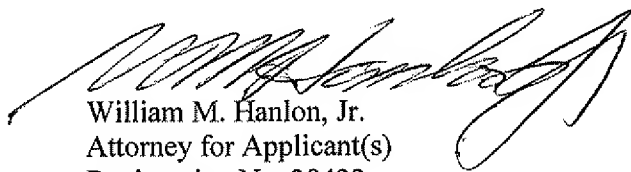
In Applicants' invention, the licensed units for each piece of digital content executed by any of the users is cumulative of checked out units and total units on both the computer customer network and the application service provider in order to allow or deny request for execution of another digital content.

It is respectfully submitted that the combination of Christiano and Wyman fails to suggest these features. Accordingly, it is respectfully submitted that Applicants' invention as set forth in claim 1, and claims 2 – 12 which depend therefrom, include features which are not suggested or rendered obvious by the cited references as combined by the Examiner.

Thus, claims 1 – 12 are submitted to be in condition for allowance; a notice of which is respectfully requested.

Respectfully submitted,

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